IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

APPEAL NO.911 OF 1998
IN
ARBITRATION SUIT NO.3106 OF 1994

M/s. Schokhi Industrial Pvt. Ltd. ..Appellant.
Vs.
M. S. E. B. & Ors. ..Respondents.

....

Shri Anand Kumar for the Appellant.
Shri P. P. Chavan i/b M/s. Little & Co. for Respondent No.1.
Shri Deepak Dongre i/b Shri D'Mello for Respondent No.3.

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CORAM: **R. M. S. KHANDEPARKAR, &**
DR. D.Y. CHANDRACHUD, JJ.

13th February, 2007.

P.C. :

The learned advocate appearing for the Appellant states that with the passage of time the plant has already been dismantled and disposed of and therefore, the issue which was sought to be raised in the matter in hand does not survive and therefore, the Appellant wants to withdraw the Appeal with liberty to initiate appropriate proceedings for damages in the matter. The Appeal is accordingly allowed to be withdrawn with the said liberty. It is needless to say that the liberty is subject to the rights and

liabilities of the parties and we have not expressed any opinion on that aspect while granting that liberty. The Appeal accordingly stands disposed of with no order as to costs.

(R. M. S. KHANDEPARKAR, J.)

(DR. D.Y. CHANDRACHUD, J.)